IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JAIPUR BENCH, JAIPUR.

S.B. Civil First Appeal No.29/1991
Mahavir Prasad Vs. Gram Panchayat, Gidania

Date of Judgment :: 23rd July, 2007

HON'BLE DR. VINEET KOTHARI, J.

Mr.D.P. Pujari)
Mr.D.K.Dixit for Mr.A.K. Bajpai) for the appellant.
None present for the respondent.

Heard learned counsel for the appellant.

The plaintiff-appellant had filed a suit for declaration in respect of a plot of land situated in the jurisdiction of respondent – Gram Panchayat, Gidania. The said suit was dismissed by the learned trial Court by the impugned judgment holding that since the plaintiff failed to lead any evidence in respect of the said plot of land and had neither specified the four boundaries of the property properly, nor had produced any document in support of his claim of owner-ship and further since though he claimed the said property to be ancestral but his father and brother were alive, who were not even impleaded in the suit, therefore, the learned trial Court found that the right of the plaintiff was not established before the learned trial Court in accordance with law and accordingly, the suit was rejected.

Before this Court also, learned counsel could not point out any error in the impugned judgment of the learned trial Court and could not point out any evidence, which could establish his right over the disputed suit property and accordingly, rejection of the suit under Order 7 Rule 11 C.P.C. by the learned trial Court could not be faulted with. Learned counsel admits that prior to filing of the suit, no notice as required under the provisions of Section 79(2) of the Rajasthan Panchayti Act, 1953 was given by the plaintiff to the Panchayat Samiti and therefore, the suit could not lie against the Gram Panchayat.

Having heard the learned counsel for the appellant, this Court finds no ground to interfere with the impugned judgment of the learned trial Court rejecting the civil suit. Accordingly, this first appeal is devoid of merits and the same is, hereby, dismissed with no order as to costs.

[**Dr. Vineet Kothari**],**J.**

S.S.**Jr.P.A.**
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